IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

Crl.MC.No. 2874 of 2007()

AGAINST THE ORDER IN LP.NO.11/2007 IN
SC.22/2003 of ASSISTANT SESSIONS COURT, ATTINGAL
CRIME NO.327 OF 2001 OF KILIMANOOR POLICE STATION

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PETITIONER: (IST ACCUSED)

SAJEEV, S/O DEVADASAN,
THADATHARIKATHU PUTHEN VEEDU,
MATHAYIL NAGAROOR, VELLALLOR VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.RAJESH
SMT.A.K.PREETHA

RESPONDENTS: (COMPLAINANT)

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2874 of 2007

Dated this the 13th day of September, 2007

O R D E R

The petitioner faces indictment for offences punishable, inter alia, under Sections 452 and 308 I.P.C. The petitioner was committed to the Court of Session. He could not appear before the learned Sessions Judge. The co-accused were tried, found not guilty and acquitted. The case against the petitioner has been split up. Consequent to the non appearance of the petitioner, the same has been transferred to the list of Long Pending Cases. There are two other co-accused also. The petitioner now finds a warrant of arrest and other coercive processes taken by the learned Sessions Judge chasing him.

2. According to the petitioner, he is absolutely innocent. His failure to appear earlier was not wilful. The petitioner is now willing to appear and apply for bail and co-operate with the court for expeditious disposal of the case. The petitioner apprehends that his application for bail may not be considered by the learned Sessions Judge on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

3. It is for the petitioner to appear before the learned Sessions Judge and explain to the learned Sessions Judge the circumstances under which he could not earlier appear before the learned Sessions Judge. I have no reason to assume that the learned Sessions Judge would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Sessions Judge and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Sessions Judge must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-